

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MORTIMER EXCELL,

Plaintiff,

-v.-

9:07-CV-0305
(LEK/GHL)

JOHN BURGE; JOSEPH WOLCZYK; D. HESS;
D. SELSKY; C.O. MCUQUEENEY; C.O. GRADY;
C.O. G. SIMONS,

Defendants.

APPEARANCES:

MORTIMER EXCELL
Plaintiff, *pro se*
96-R-8355

LAWRENCE E. KAHN, U.S. DISTRICT JUDGE

ORDER

Presently before the Court is an Amended Complaint filed by Mortimer Excell ("plaintiff" or "Excell"). See Dkt. No. 10. This Amended Complaint was submitted by Excell in compliance with the Order of this Court dated April 18, 2007. Dkt. No. 6. Plaintiff was previously granted leave to proceed with this action *in forma pauperis*. Id.

Since the Amended Complaint filed by Excell now sets forth who plaintiff seeks to name as defendants, and the nature of his claims against each defendant, it may properly be filed with the Court.

WHEREFORE, it is hereby

ORDERED, that the Clerk amend the Court's docket to reflect the parties as set forth above in the caption of this Order; and it is further

ORDERED, that the Clerk shall issue summonses and forward them, along with copies of the amended complaint, to the United States Marshal for service upon the

defendants, together with a copy of this Order. The Clerk shall also forward a copy of the summons and amended complaint by mail to the Office of the Attorney General for the State of New York, together with a copy of this Order; and it is further

ORDERED, that a formal response to plaintiff's complaint be filed by the defendants or their counsel as provided for in the Federal Rules of Civil Procedure subsequent to service of process on the defendants; and it is further

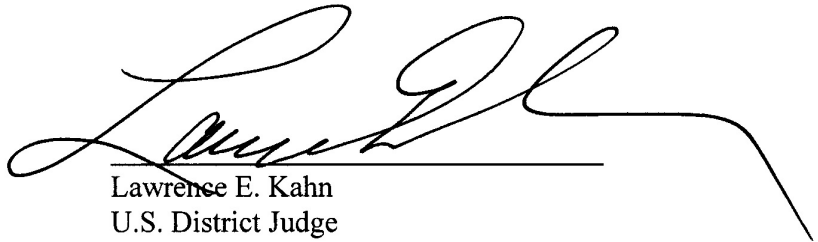
ORDERED, that all pleadings, motions and other documents relating to this action shall be filed with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367. **Any paper sent by a party to the Court or the Clerk shall be accompanied by a certificate setting forth the date a true and correct copy of it was mailed to all opposing parties or their counsel. Any letter or other document received by the Clerk or the Court which does not include a certificate of service which clearly states that an identical copy was served upon all opposing parties or their attorneys is to be returned without processing.** Plaintiff shall also comply with any requests by the Clerk's Office for any documents that are necessary to maintain this action. Motions must comply with Local Rule 7.1 of the Northern District of New York and are to be made returnable before the assigned Magistrate Judge on any business day with proper allowance for notice as required by the Rules. **Plaintiff is also required to promptly notify the Clerk's Office of any change in his address; his failure to do this will result in the dismissal of the instant action.** All motions will be decided on submitted papers, without oral

argument, unless otherwise ordered by this Court, and it is further

ORDERED, that the Clerk serve a copy of this Order on the plaintiff by regular mail.

IT IS SO ORDERED.

DATED: May 24, 2007
Albany, New York



Lawrence E. Kahn
U.S. District Judge